

PATENT APPLICATION
Response under 37 C.F.R. 1.116–
Expedited Procedure – Examining Group Art Unit 2145
Attorney Docket No.: 728-240 (YOR920030456US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Dakshi AGRAWAL et al. **GROUP ART UNIT:** 2145
APPLICATION NO.: 10/713,306 **EXAMINER:** GOODCHILD, William J.
FILING DATE: November 14, 2003 **DATED:** February 20, 2008

**FOR: METHOD AND APPARATUS TO ESTIMATE
 CLIENT PERCEIVED RESPONSE TIME**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Office Action of the United States Patent and Trademark Office dated December 20, 2007, please consider the following remarks.

REMARKS

Claims 1-13 are pending in the application. It is gratefully acknowledged that Claim 11 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The Examiner has rejected Claims 1-10, 12 and 13 under 35 U.S.C. §102(e) as being anticipated by Fraenkel et al. (U.S. Publication 2003/0065986).

Regarding the rejection of Claims 1-10, 12 and 13 under §102(e), the Examiner alleges that Fraenkel et al. anticipates each and every feature of the claims. Applicants respectfully disagree.

The claims of the present application relate to a server side mechanism for measuring the page view response time, as perceived by the full set of remote clients. The claims disclose measuring/estimating the response time, as perceived by the remote client, using only server side latency measurements. Further, the claims disclose measuring/estimating the response time of a page download, which consists of a container page and a set of embedded objects, obtained over multiple simultaneous TCP/IP connections, which is achieved using only server side mechanisms. The claims disclose using tagging mechanisms to aid in correlating application level latencies with TCP/IP network level latencies.

Fraenkel et al. discloses a root cause analysis of server system performance degradations. The system disclosed by Fraenkel et al. is a mechanism for measuring the transaction response time at a set of remote monitoring agents; the remote monitoring agents are not actual clients. Fraenkel et al. determines root cause analysis from latency measurements collected by remote monitoring agents and server side utilization measurements. Fraenkel et al. does not teach or disclose page view response time, embedded objects, or simultaneous TCP connections; Fraenkel et al. only discloses transaction response time. Fraenkel et al. does not teach or disclose tagging,

at either the systems/network level or application level.

The claims of the present application use server side measurements only; Fraenkel et al. uses remote measurements and server side measurements.

The claims of the present application measure response time for actual clients; Fraenkel et al. measures response time for monitoring agents.

The claims of the present application measure page view response time; Fraenkel et al. measures transaction response time.

The claims of the present application provide a model for a page view downloads; Fraenkel et al. does not teach or disclose any page view download model.

The claims of the present application use latency measurements only; Fraenkel et al. uses remote latency and server utilization measurements.

Fraenkel et al. cannot anticipate the Claims of the present application.

Claim 1 of the present application recites combining said data from networking and application layers into a metric, wherein said data corresponding to a single web event is identified, and Claims 4, 12 and 13 recite combining said plurality of requests and said communication packets into a metric, wherein said each request and communication packet corresponding to a single event is identified.

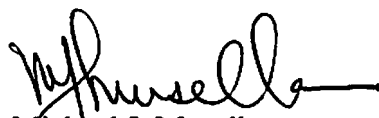
First, these claims combine both the application layer information and the networking layer information. This provides for a more comprehensive analysis. Also, each of these claims use the correlation tags to identify a single web event. The single web event data that is identified is then used by the metric to generate comprehensive and real time user perceived response times that correspond to the single web event.

Based on at least the foregoing, withdrawal of the rejection of Claims 1-10, 12 and 13 is respectfully requested.

Independent Claims 1, 4, 12 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, and 5-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2,3 and 5-10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a long horizontal flourish extending to the right.

Michael J. Musella
Reg. No. 39,310
Attorney for Applicant

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Boulevard, Suite 701
Uniondale, New York 11553
516-228-3565